

CASE NUMBER: 15SN0654
APPLICANT: Rouse Properties, Inc.



**STAFF'S ANALYSIS
AND
RECOMMENDATION**

Board of Supervisors (BOS)

Public Hearing Date:

AUGUST 26, 2015

BOS Time Remaining:

365 DAYS

Applicant's Agent:

BRYON D. WALL
 (804-794-4662 EXT. 331003)

Applicant's Contact:

ROUSE PROPERTIES, INC.
 (212-608-5108)

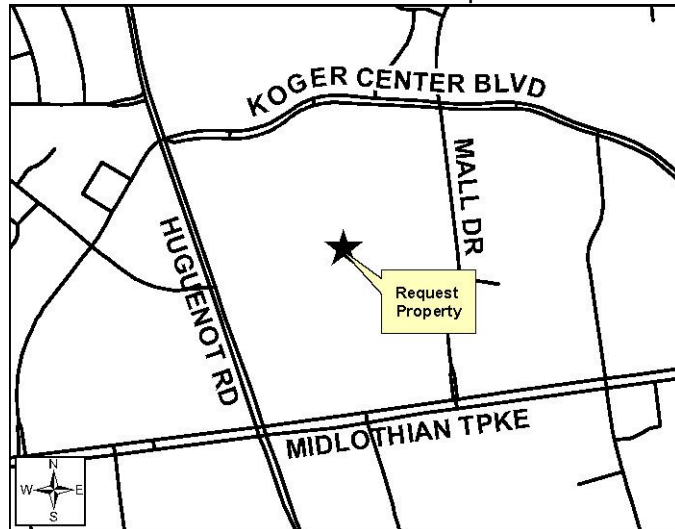
Planning Department Case Manager:

RYAN RAMSEY (804-768-7592)

CHESTERFIELD COUNTY, VIRGINIA

Magisterial District: **MIDLOTHIAN**

11500 Midlothian Turnpike



APPLICANT'S REQUEST

Amendment of conditional use (Case 12SN0236) to modify the location of outdoor uses plus a conditional use to permit motor vehicle sales on 6.7 acres in Neighborhood Business (C-2), Community Business (C-3) and Regional Business (C-4) Districts developed as Chesterfield Towne Center.

Relocation of an area that permits outdoor uses (Site F) is proposed. Site F would move from a parking area adjacent to the Garden Ridge store to parking area adjacent to the Sears store. In addition, the applicant requests the ability to permit a temporary motor vehicle sale event on the property, with restrictions.

Notes:

- A. Conditions may be imposed or the property owner may proffer conditions.
- B. Proffered conditions are located in Attachment 1.

RECOMMENDATION

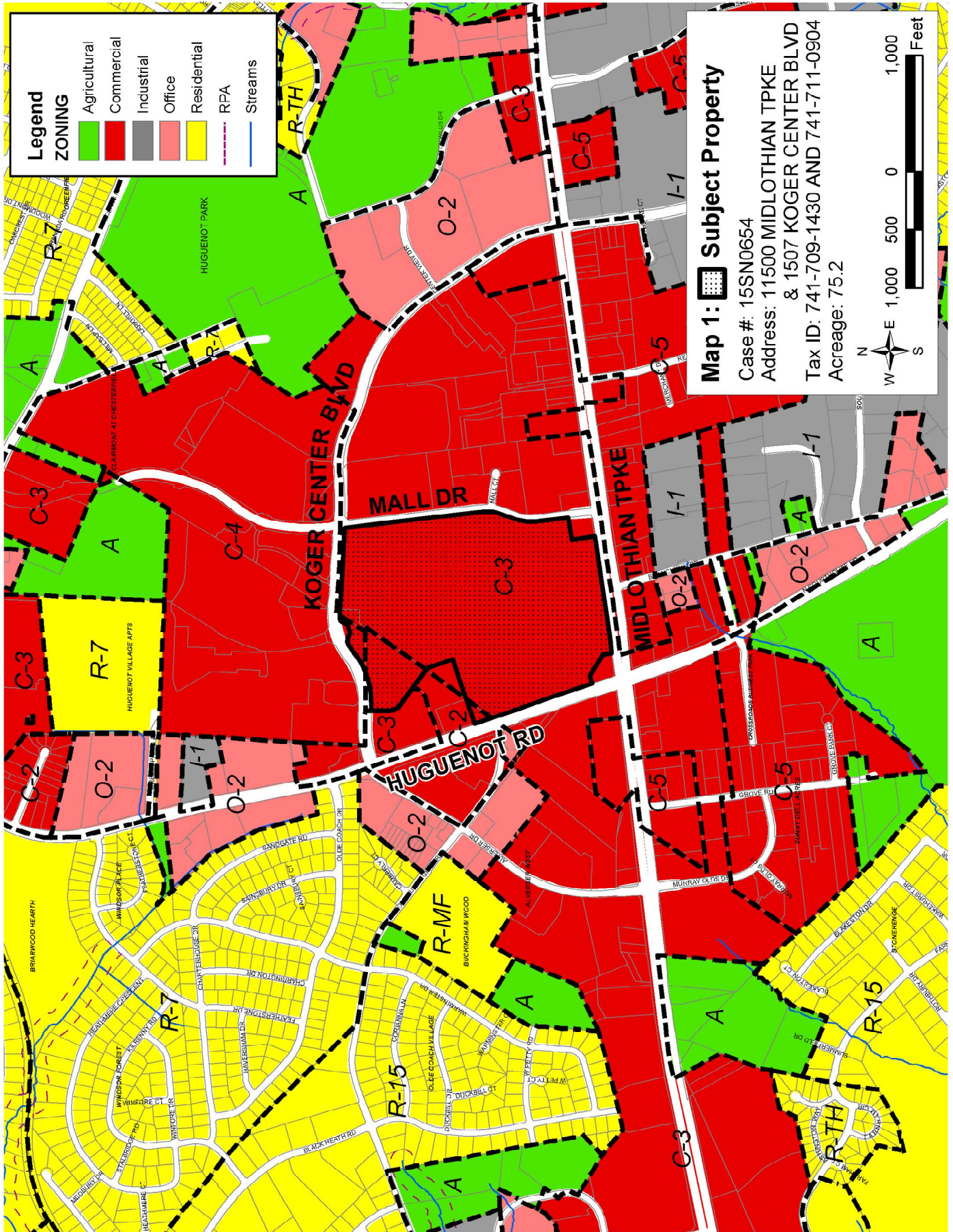
PLANNING
COMMISSION
(7/21/2015)

RECOMMEND APPROVAL

- Conditions will continue to minimize impacts on adjacent properties

RECOMMENDATION (CONTINUED)	
STAFF	RECOMMEND APPROVAL <ul style="list-style-type: none"> • Proffered conditions will minimize impacts • Uses continue to be temporary and compatible with existing uses within the mall development

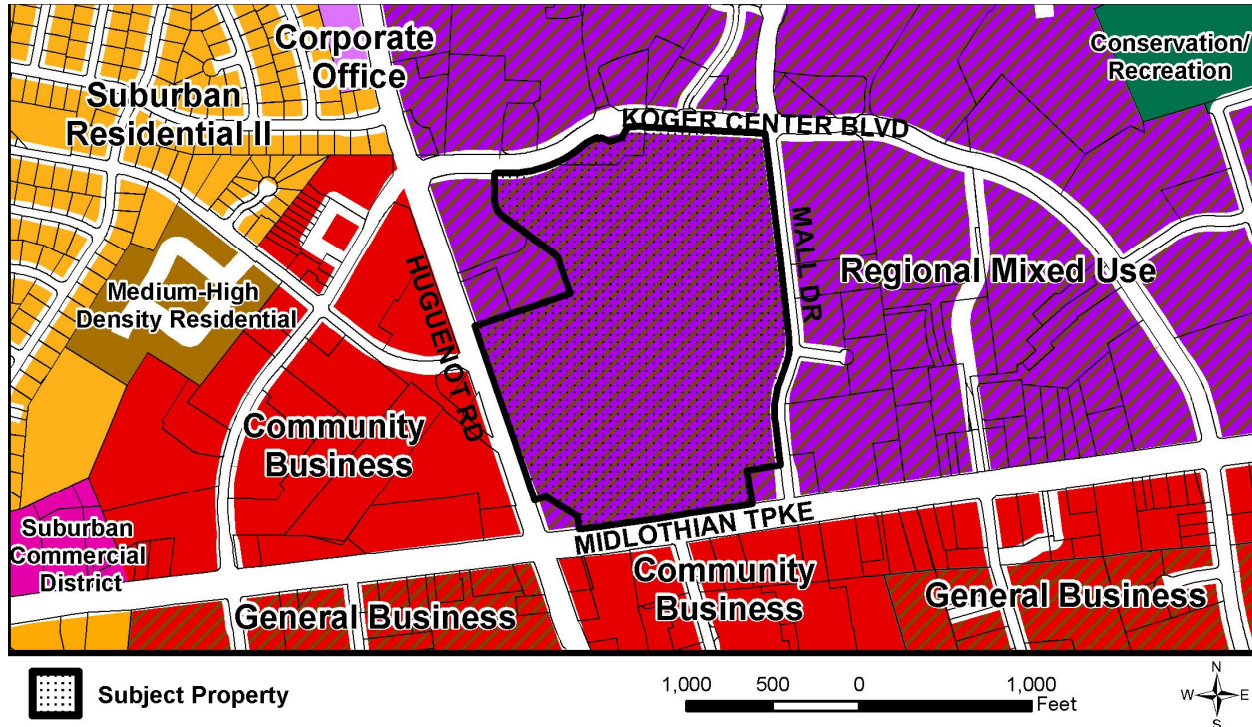
SUMMARY OF IDENTIFIED ISSUES	
Department	Issue
PLANNING	-
FIRE	-
CDOT	-
VDOT	-
UTILITIES	-
ENVIRONMENTAL ENGINEERING	-



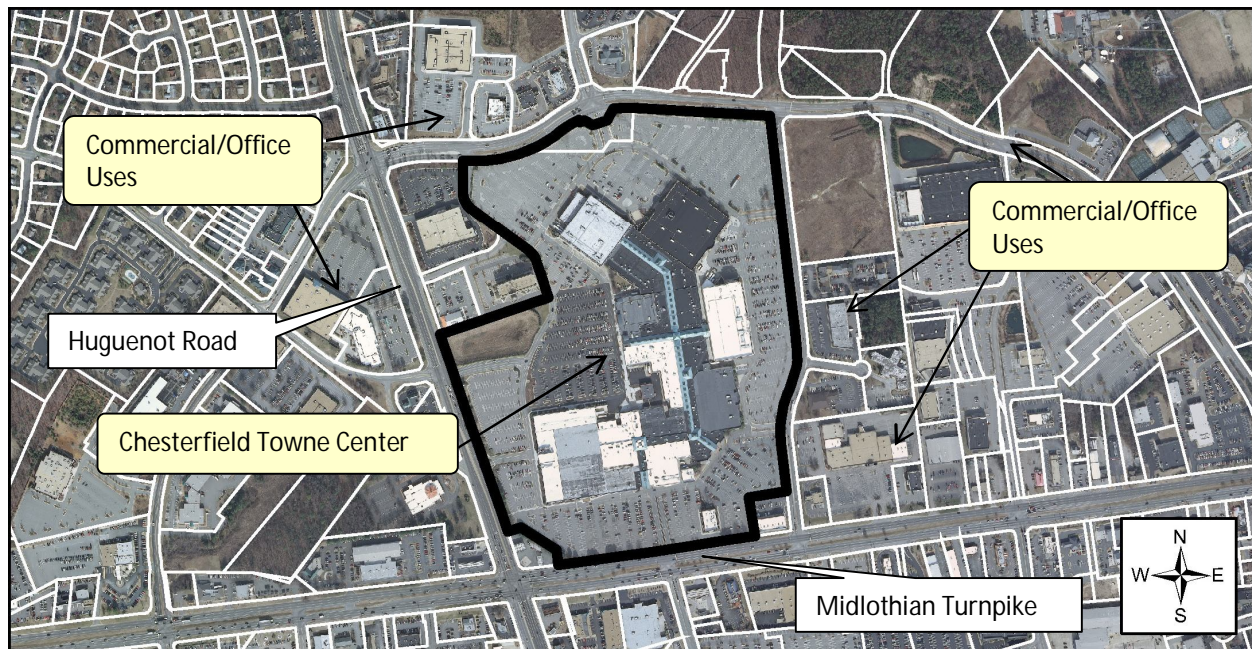
Map 2: Comprehensive Plan

Classification: **REGIONAL MIXED USE**

The designation suggests the property is appropriate for an integrated mixture of highly concentrated corporate office, commercial, light industrial/research and development, and higher density residential uses with public spaces, located on large tracts of land generally at the interchange of arterials and limited access roads.



Map 3: Surrounding Land Uses & Development



PLANNING

Staff Contact: Ryan Ramsey (804-768-7592) ramseyrp@chesterfield.gov

ZONING HISTORY

Case Number	BOS Action	Request
65-87C; 73SN0098; 79SN0088; 86SN0072; 94SN0110; 11SN0241	Approved (Multiple Dates)	Zoning approvals that permitted certain uses as well as the development of Chesterfield Towne Center.
99AN0251	Approved (05/1999)	Variance of 619 parking spaces to the required number of parking spaces.
12SN0236	Approved (11/28/2012)	Conditional Use to permit outdoor uses (continuous outside display and sale of merchandise, outdoor recreation, carnival, concert, festival and movie events). <i>Attachment 3</i>

PROPOSAL

Several outdoor uses, including continuous outside display and sale of merchandise, outdoor recreation, carnival, concert, festival and movie events are permitted by conditional use on various sites on the request property. The applicant proposes to modify the location of Site F while maintaining the same size of the event space. Site F would be relocated to provide additional parking spaces in front of the Garden Ridge tenant space, which would remain unencumbered by temporary outdoor uses.

The restrictions for the modified location of Site F are outlined in the following chart:

Relocation of Site F & Restrictions		
Site F	Approved	Proposed
Location	Parking area adjacent to Garden Ridge <i>Attachment 2, Exhibit A</i>	Parking area adjacent to Sears <i>Attachment 3, Exhibit A</i>
Size	230 Spaces <i>Attachment 2, Exhibit A</i>	230 Spaces <i>Attachment 3, Exhibit A</i>

TEMPORARY MOTOR VEHICLE SALES EVENTS

The applicant requests the ability to hold up to two (2) temporary motor vehicle sales events annually on a portion (6.7 acres, Sites E or F) of the request property. Motor vehicle car sales are a restricted use in the Community Business (C-3) and Regional Business (C-4) zoning districts. More specifically, car sales are not permitted in shopping centers if the use commenced after May 26, 2004. Therefore, a conditional use is required to permit motor vehicle sales on the shopping center (mall) property.

The following provides an overview of the proffered conditions offered by the applicant to minimize the impact of the temporary motor vehicle sale events on area properties:

General Overview of Motor Vehicle Sales Events	
Requirements	Details
Location	Site E or F <i>Proffered Condition 1</i>
Frequency of Events	Twice (2) a year <i>Proffered Condition 2.a.</i>
Duration & Spacing of Event	<ul style="list-style-type: none">• 5 Days• Minimum of 30 days between events <i>Proffered Condition 2 .b and 2.c.</i>
Days and Hours of Operation	<ul style="list-style-type: none">• Coincide with shopping center (mall) hours of operation• Not permitted between November 15th and December 31st <i>Proffered Condition 2.d. and 2.f.</i>
Permanent Improvements	Not permitted <i>Proffered Condition 2.e</i>

PUBLIC FACILITIES

FIRE SERVICE

Staff Contact: Greg Smith (804-706-2012) smithgd@chesterfield.gov

Nearby Fire and Emergency Medical Service (EMS) Facilities

Fire Station	The Courthouse Fire Station, Company Number 20
EMS Facility	The Forest View Volunteer Rescue Squad

This request will have minimal impact on fire and EMS.

COUNTY DEPARTMENT OF TRANSPORTATION

Staff Contact: Jim Banks (804-748-1037) banksj@chesterfield.gov

The Comprehensive Plan, which includes the Thoroughfare Plan, identifies county-wide transportation needs that are expected to mitigate traffic impacts of future growth. The anticipated traffic impact of the proposal has been evaluated and it is anticipated to be minimal.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Staff Contact: Brian Lokker (804-674-2384) brian.lokker@vdot.virginia.gov

VDOT Land Use Regulations

Traffic Impact Analysis (24VAC30-155)	-
Access Management (24VAC30-73)	-
Subdivision Street Acceptance (24VAC30-91/92)	-
Land Use Permit (24VAC30-151)	-
Summary	As of the printing of this report, VDOT has not comment on this request.

WATER AND WASTEWATER SYSTEMS

Staff Contact: Jamie Bland (804-751-4439) blandj@chesterfield.gov

The proposal's impacts on the County's utility system are detailed in the chart below:

Water and Wastewater Systems			
	Currently Serviced?	Size of Existing Line	Connection Required by County Code?
Water	Yes	12" & 16"	Yes
Wastewater	Yes	8" & 12"	Yes

Additional Information:

The proposed request will not impact the public water and wastewater systems.

ENVIRONMENTAL

Drainage, Erosion and Water Quality

Staff Contact: Doug Pritchard (804-748-1028) pritchardd@chesterfield.gov

Environmental Engineering has no comment on this request.

CASE HISTORY	
Applicant Submittals	
5/7/15	Application submitted
7/6/15	Proffers were submitted
Planning Commission Meeting	
7/21/15	<p>Citizen Comments No citizens spoke to this case.</p> <p>Commission Discussion The Commission noted their support for this case:</p> <ul style="list-style-type: none"> • No opposition to request • Conditions will continue to minimize impacts on adjacent properties <p>Recommendation – APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS IN ATTACHMENT 1</p> <p>Motion: Waller Second: Brown AYES: Gulley, Waller, Brown and Wallin ABSENT: Patton</p>
The Board of Supervisors on Wednesday, August 26, 2015, beginning at 6:30 p.m., will consider this request.	

PROFFERED CONDITIONS

Note:

"STAFF/CPC" – Recommended by both staff and Planning Commission

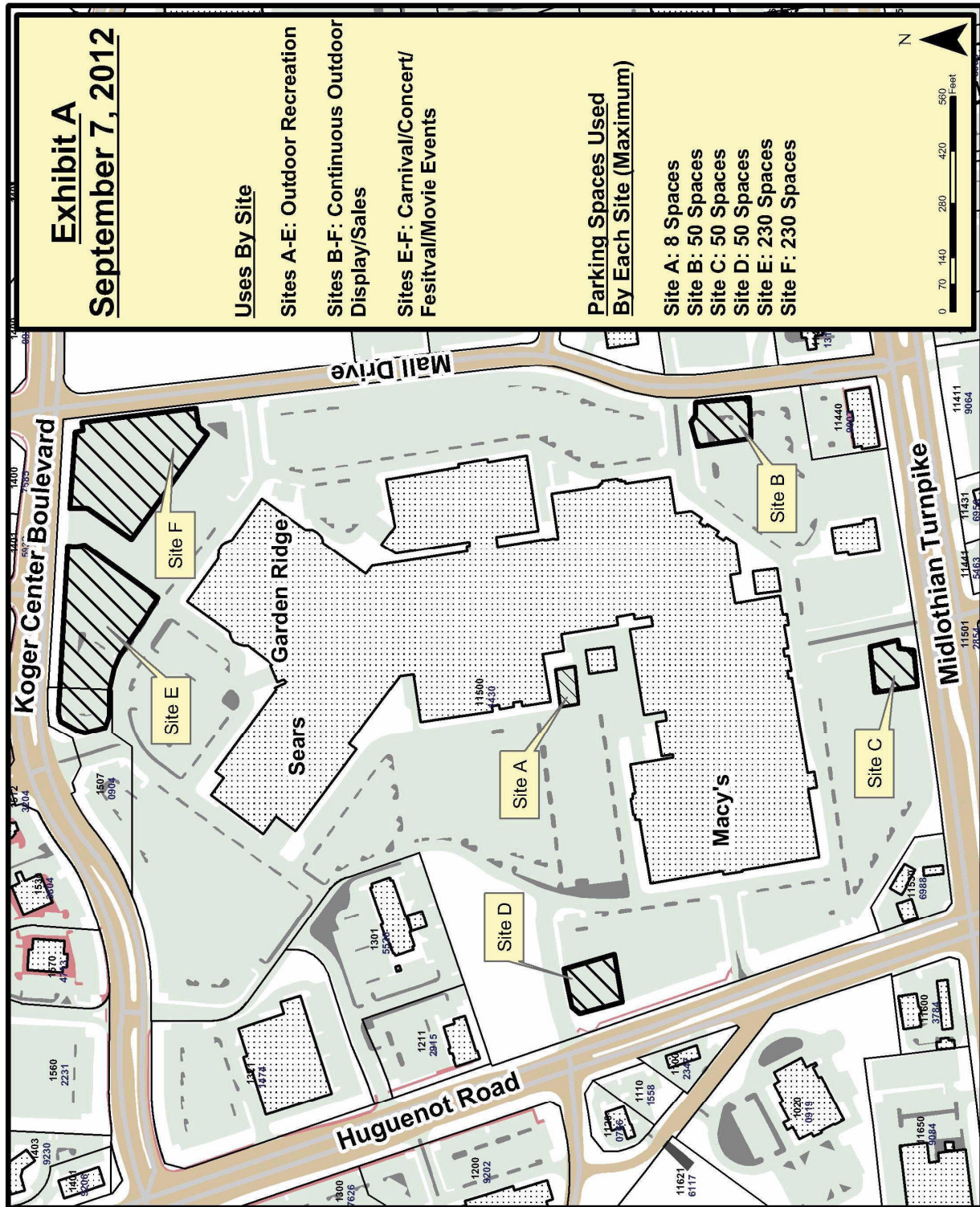
The Applicant hereby amends Proffered Condition 1 of Case 12SN0236 to read as follows:

- (STAFF/CPC) 1. The areas designated for continuous outside display of merchandise for sale, commercial outdoor recreational establishments, carnival, motor vehicle sales, concert, festival and movie events shall be limited to the areas shown on Exhibit A, dated June 9, 2015. (P)

(Staff Note: Except as amended with this case, all other conditions of Case 12SN0236 shall remain in force and effect.)

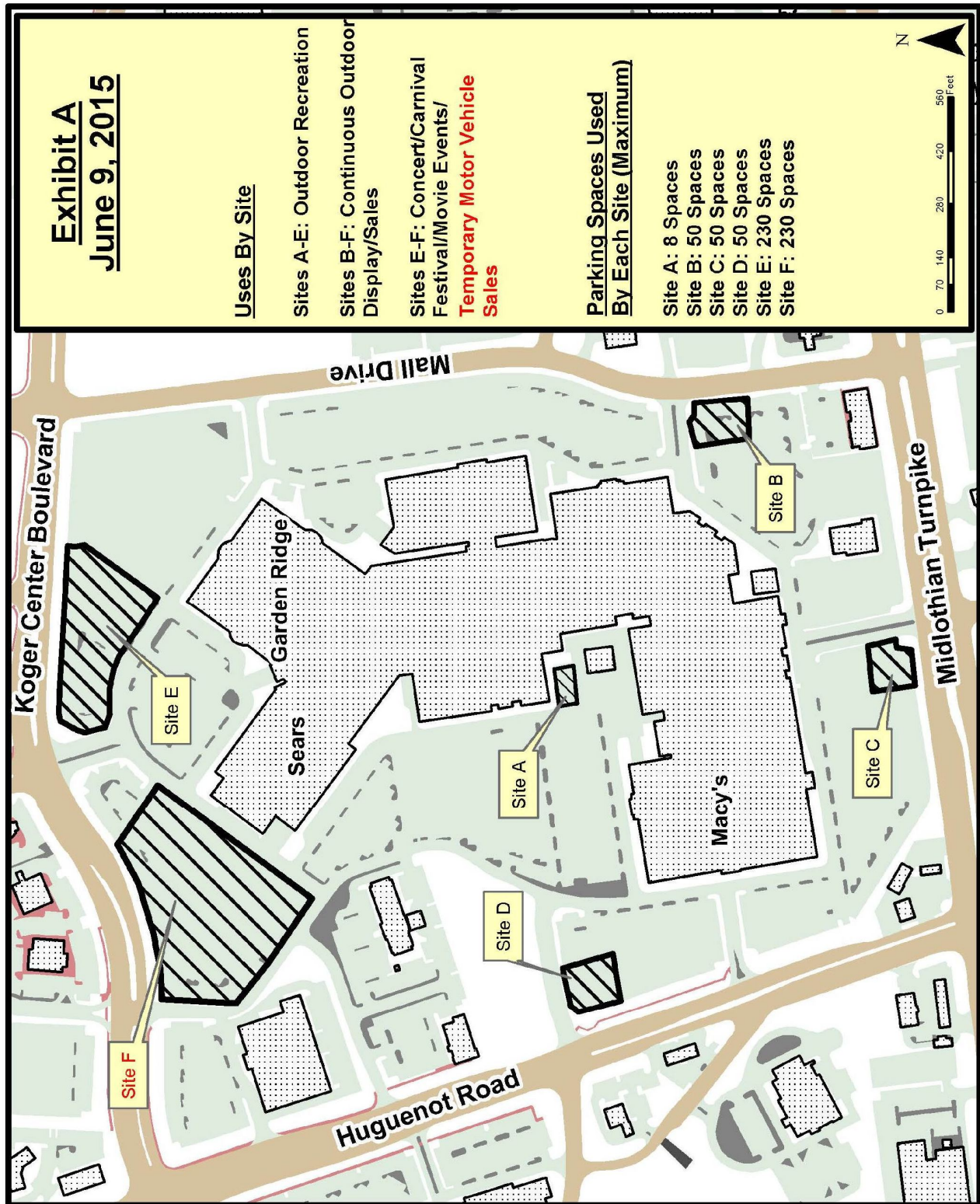
- (STAFF/CPC) 2. Motor vehicle sales shall be limited to an outdoor, temporary sales event. Motor vehicle sales shall be limited with the following restrictions:
- a. These events shall be permitted no more than two (2) times a year.
 - b. Each event shall last a period of no longer than five (5) days.
 - c. The events shall be spaced at a minimum interval of thirty (30) days from the last day of the previously permitted motor vehicle sales event.
 - d. Motor vehicle sales shall coincide with the general business hours of the shopping center.
 - e. No permanent improvements shall be permitted.
 - f. Motor vehicle sales shall not be permitted from November 15th to December 30th. (P)

APPROVED EXHIBIT A FOR CASE 12SN0236



12SN0236-1

PROPOSED EXHIBIT A FOR CASE 15SN0654



APPROVED CONDITIONS FOR CASE 12SN0236

12SN0236

In Midlothian Magisterial District, Macerich, L.P. requests conditional use approval and amendment of zoning district map to permit outdoor uses (carnival/festival, continuous outdoor display and sale of merchandise and movie/concert events) in Neighborhood Business (C-2), Community Business (C-3) and Regional Business (C-4) Districts on 75.2 acres located in the southwest quadrant of Koger Center Boulevard and Mall Drive; also lying on the east line of Huguenot Road and the north line of Midlothian Turnpike. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. Tax IDs 741-709-1430 and 741-711-0904.

Mr. Turner presented a summary of Case 13SN0236 and stated both the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Ms. Ashley Venable accepted the recommendation.

Mr. Gecker called for public comment.

There being no one to speak to the request, the public hearing was closed.

Mr. Gecker made a motion, seconded by Mr. Holland, for the Board to approve Case 12SN0236 and accept the following proffered conditions:

1. The areas designated for continuous outside display of merchandise for sale, commercial outdoor recreational establishments, carnival, concert, festival and movie events shall be limited to the areas shown on Exhibit A, dated September 7, 2012. (P)
2. Commercial outdoor recreational establishments shall be limited to a skating rink or other similar uses. (P)
3. The use of carnival, concert, festival and movie event areas as shown on Exhibit A shall not be permitted from November 15th to December 30th. This condition shall not prohibit commercial outdoor recreational establishments during this time period. (P)
4. The use of continuous outside display of merchandise for sale/event areas shown on Exhibit A shall not be

12-657

11/28/12

permitted from November 15th to December 30th. This condition shall not prohibit temporary Christmas tree sales during this time period. (P)

5. Any continuous outside display of merchandise for sale shall be considered accessory to a permitted use inside the shopping center. (P)
6. No permanent improvements associated with any continuous outside display of merchandise for sale, commercial outdoor recreational establishments, carnival, concert, festival or movie events shall be permitted. (P)
7. Of the six sites shown on Exhibit A, no more than three of the sites shall be in use at any one time. From November 15th to December 30th, only two (2) sites shall be in use at any one time. Sites E & F may not be used simultaneously during any time of the year. (P)
8. Hours of operation:
 - a. Continuous outside display of merchandise for sale, commercial outdoor recreational establishments, concert, festival or movie events shall coincide with the general business hours of the shopping center or specified in the Music or Entertainment Festival Permit. In no event shall these uses operate beyond 10 p.m.
 - b. The carnival use shall operate from 12 p.m. until 10 p.m. (P)
9. Carnival, concert, festival and movie events shall be permitted no more than twelve (12) times a year, with each type of event permitted a maximum of three (3) times a year. Each of these events shall last a period of no longer than fourteen (14) days. Similar events shall be spaced at a minimum interval of thirty (30) days from the last day of the previously permitted event. (P)

Ayes: Gecker, Jaeckle, Warren, Holland and Elswick.

Nays: None.

12-658

11/28/12